

Labour and Rehabilitation Department

Labour and Rehabilitation (A)

ORDERS

(1)

G. O. (Rt) No. 2416/2006/LBR.

Thiruvananthapuram, 13th October 2006.

Read:—1. Govt. letter No. 4374/A3/05/LBR. dated 30-9-2006.

2. Judgment dated 24-8-2006 in W. P. (c) No. 35299/2005 (B) of the High Court of Kerala.

As per Government letter read as first paper above the dispute between the Managing Director of Rajarajeswari Weaving Mills, Kannur and its workman Shri K. Ramakrishnan was recorded as per the provision under section 12 (5) of Industrial Disputes Act, 1947.

The above Government letter was challenged by Shri Ramakrishnan (the workmen of Rajarajeswari Mills) in W. P. (c) 35299/05 B before the High Court. The Hon'ble High Court in its Judgment dated 24-8-2006 has quashed the Government letter read as 1st paper above (Ext.P3) and directed Government to refer the industrial dispute raised by Shri Ramakrishnan before the appropriate Labour Court or Industrial Tribunal in accordance with section 10 of the Industrial Disputes Act, 1947.

In the circumstance in exercise of the powers conferred by section 10 (1) (c) of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government hereby refer the Industrial Dispute between the Managing Director, Rajarajeswari Weaving Mills, P. O. Azhikode, Kannur-9 and the Secretary, Kannur Jilla Kidhari Vyavasaya Thozhilali Union (TUC), Super Bazar, Kannur-1 in respect of the matters mentioned in the annexure to this order for adjudication to the Labour Court, Kannur. The Labour Court will pass the award within a period of three months.

ANNEXURE

"Whether the denial of employment of Shri K. Ramakrishnan by the Management can be justified. If not what relief the workman is entitled?"

(2)

G.O. (Rt.) No. 2480/2006/LBR.

Thiruvananthapuram, 18th October 2006.

Read:—1. Letter No. I (2) 2313/05 dated 1-9-2005, from the Labour Commissioner Thiruvananthapuram.

2. Govt. letter No. 20268/A2/05/LBR dated 2-11-2005.
3. Judgment dated 25/8/2006 in W. P. (c) 15264/06 (P) of the Hon'ble High court of Kerala.
4. Letter No I (2) 18033/06 dated 11-10-2006 from the Labour Commissioner, Thiruvananthapuram.

An Industrial Dispute arose between the management of Muthoot APT Ceramics (Ltd.) and its workmen S/Shree Sumesh Mohan, Biju, N. R., Reejo George over the issue of dismissal of the latter from Service.

(2) The Labour Commissioner as per letter read as 1st paper above had recommended to record the issue for want of espousal of the dispute by a Trade Union, and Government recorded the issue as per reference 2nd cited.

(3) There upon CEPZ workers Union (CWU) and two workmen filed W. P. (c) No. 15264/06 before the Hon'ble High Court. The Hon'ble High Court as per judgment dated 25-8-2006 in W. P. (c) 15264/06 has observed that since the issue involved is the dismissal of the three workmen, by virtue of the section 2A of the Industrial Dispute Act, any dismissed workmen can raise an Industrial dispute on his own without the junction of a Trade Union to espouse his case. The Hon'ble High court found that the Ext. P4 letter read as 2nd paper is patently erroneous and unsustainable and hence quashed the same and directed the Government to refer the dispute to appropriate Labour Court/Industrial Tribunal.

(4) Government have examined the matter in consultation with the Labour Commissioner and decided to refer the industrial dispute between the Managing Director, Muthoot A. P. T. Ceramics Limited, Plot No. 9, CEPZ, Kakkanad, Kochi-682 031 and the workmen of the above referred establishment represented by the General Secretary, CEPZ Workers Union (CWU) XXI/135, Cochin University P. O., Kochi-22 for adjudication to the Labour Court Ernakulam in exercise of the powers conferred by section 10 (1) (c) of the Industrial Disputes Act 1947 (Central Act, XIV of 1947) The Labour Court. will pass award within three months.

ANNEXURE

"Whether the dismissal of S/Shri Sumesh Mohan. Biju, N. R., and Reejo George are Justifiable or not? If not what relief they are entitled to"

(3)

G. O. (Rt.) No. 2667/2006/LBR.

Thiruvananthapuram, 9th November 2006.

Read:—1. G. O. (Rt.) No. 2931/93/LBR dated 20-11-1993.

2. G. O. (Rt.) No. 2933/93/LBR dated 20-11-1993.
3. Judgement dated 21-6-2005 in O. P. No. 12485/95 of the Hon'ble High Court of Kerala.
4. Representation dated 18-4-1994 from the General Secretary, All Kerala Muthoot Group of Concerns Employees Association (BMS).
5. Letter No. I (3) 15706/06 dated 23-9-2006 from the Labour Commissioner.

As per the Government Orders read as 1st and 2nd paper above the Industrial Dispute between the Managing Partner, (Mathew M. Thomas and Sons) Muthoot Bankers, Central Office, Kozhancherry and its workman and another Industrial Dispute between the Managing Partner (M. George and Sons), Muthoot M. George Bankers, Central Office, Kozhancherry and its workmen were referred for adjudication to Industrial Tribunal, Kollam. Consequent on the redefining of territorial jurisdiction of Industrial Tribunals, the Pathanamthitta District was brought under the jurisdiction of Industrial Tribunal, Alappuzha and as the Head Quarters of

the establishment of the workman was at Kozhancherry, the Industrial Tribunal, Kollam has transferred the cases to Industrial Tribunal, Alappuzha.

2. In the representation read as fourth paper above the General Secretary, All Kerala Muthoot Group of Concerns Employees Association (BMS) has requested Government to retransfer the above dispute back to Industrial Tribunal, Kollam. They have also filed an O. P. in this connection (O. P. No. 12485/95) before the Hon'ble High Court.

3. The Hon'ble High Court vide its judgement read as third paper above has directed Government to dispose the above representation within three months from the date of receipt of the judgement.

4. The General Secretary, All Kerala Muthoot Group of Concerns Employees Association (BMS) has informed that due to financial difficulties they could not arrange an advocate for pleading their case and appear before the Industrial Tribunal, Alappuzha. They further informed that if the case is transferred to Industrial Tribunal, Kollam, the workers could appear themselves without the help of an Advocate.

5. Government have examined the matter in consultation with the Labour Commissioner and are pleased to re-transfer the above Industrial Disputes (I. D. No. 12/94 and 21/94) resting with Industrial Tribunal, Alappuzha to Industrial Tribunal, Kollam as per the provisions under sub section (1) of section 33 B of the Industrial Disputes Act, 1947.

By order of the Governor,
C. MOHANAN,
Additional Secretary to Government.

ORDERS

(1)

G. O. (Rt.) No. 2621/2006/LBR.

Thiruvananthapuram, 4th November 2006.

Whereas, the Government are of opinion that an industrial dispute exists between the Managing Director, KTDC Ltd., Yatri Nivas, Thycadu, Thiruvananthapuram-14 (2) The Manager, Yatri Nivas, KTDC, Kannur-2 (3) Unit in-charge, Motel Araam, KTDC, Mangattuparamba, Kannur and (4) Unit in-charge, Sabale Restaurant and Beer Parlour, Payyannur and the workmen of the above referred establishment represented by the Secretary, Kannur Jilla K. T. D. C. Employees Union (CITU), Payyannur and (2) Secretary, K. T. D. C., Kannur District Employees Association (INTUC), Fort Road, Kannur-1 in respect of matters mentioned in the annexure to this order;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 (1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government

hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Kannur. The Labour Court will pass the award within a period of three months.

ANNEXURE

"Whether there is any denial of employment in the case of 39 employees employed in K. T. D. C. Units in Kannur District as per the list enclosed. If so, is it justifiable? If not justifiable, what relief the employees are entitled to?"

Name and Address : Motel Araam,
K T D C (Ltd.), Mangattuparamba,
Kannur District.

Temp. Workers : Date of Joining

1. Santhosh Kumar, M., 24-10-1996
Mullool House,
Eruvessy P. O.,
Kannur-670 632
2. Byju, P. M., 18-8-1996
Chattiol,
Olayambadi P. O.,
Mathamangalam (via.),
Pin-670 306
3. Pradeep, U., 10-1-1998
Thandiyan House,
Mclur P. O.,
Thalasserry,
Pin-670 661
4. Suresh Babu, P. V., 8-8-1998
Puthiya Veetil,
Eruvessy P. O.,
Kannur-670 632
5. Sathiesh Kumar, M. G., 2-3-1996
Bellanthode P. O.,
Panathadi,
Kanhagad,
Kasaragod District
6. Sunilkumar, K. V., 26-11-1997
Kizhakkekara House,
Karumanamkurissi P. O.,
Vellinezhi,
Palakkad-670 504
7. Anoop Kumar, P. P., 16-11-1996
Puthiya Purayil House,
Moorikkovil,
Payyannur
8. Madhusudhanan, R., 7-7-1998
Thidil Parambil House,
Annur P. O.,
Payyannur-670 332

Name and Address : S. R. B. P.,
K. T. D. C. (Ltd.), (Via) Payyannur,
Kannur District

Temp. Workers (1993 to 2001) :

1. Sajith Kumar, K.,
Kandappassani Kandy House,
P. O. Medical College,
Kozhikode-673 008

2. Rameshan, V. M.,
Vellora Madathil Veedu,
Karamel,
P. O. Annur,
Payyannur-670 332
Kannur District

3. Murali, S.,
Thondalil House,
Elirpakkulam P. O.,
Pallickal (via.),
Alappuzha

4. Biju, P.,
Rajaram Bhavan,
P. O. Annur,
(via.) Payyannur,
Kannur District

5. Ramdas, K.,
Kuniyoor House,
P. O. Elambachy,
Kasaragod District

6. Suresh Babu, P. V.,
Puthiya Veedu,
Keruvachar P. O.,
Payyannur

7. Vijayan, A. Y.,
Adthilay Alappil,
P. O. Kannur,
Payyannur (via.)

8. Girish Kumar, V. N.,
Vadakké Nambrath,
Nittoor P. O.,
Kakkattil,
Kozhikode-673 507

9. Balachandran, G. K.,
C. K. House,
P. O. Payyannur,
Kannur District

10. Balakrishnan, G.,
Cherukannu House,
P. O. Vellur, Karamel,
Payyannur (via.)
Kannur District

11. Radhakrishnan, K. K.,
Kizhakilode,
Kallampalli House,
P. O. Mandur,
Cheruthazam (via.),
Kannur District

2. Shyju, K. K.,
Pulukkool House,
P. O. Ponnayam East,
Nr. Koodakkal Madappur,
Thalasserry via.,
Kannur 15-1-1996

3. Sunil Kumar, K.,
Savithalayam,
Alinkeezhil,
Narath P. O.,
Kannur-670 603 20-2-1996

4. Babu Chalikandy,
Chalikandy House,
P. O. Mamba,
Kannur-670 611 20-2-1996

5. Pradeepan, P.,
Padappil House,
Chuzhali P. O.,
Sreekandapuram via.,
Kannur-670 631 31-6-1997

6. Balakrishnan, K. K.,
Kunhi Purayil House,
Kootumugham P. O.,
Kannur District 10-12-1991

7. K. T. Krishnan,
Kandattil House,
Pallivayal P. O.,
Panniyur,
Kannur 14-5-1992

8. Baiju, J.,
Thengimath House,
Perumba,
Thayathvayal,
Payyannur P. O.,
Kannur-670 307 18-8-1996

9. Jocy, C. J.,
c/o Surya Hotel,
Thazhe Pumanilam,
Poovattu Parambu P. O.,
Medical College via.,
Kozhikode District 14-3-1992

10. K. M. K. Nambeeshan,
Vadakké Nombreth,
Nittoor,
Nittoor P. O.,
Kakkattil (via.),
Kozhikode-673 507 1-1-1995

11. Premarajan, P.,
Kaliyat House,
Elarinhil,
Nedumgomme P. O.,
Kannur-670 631, 1-1-1997

Name and Address : Yatri Nivas;

K T D C (Ltd.), Kannur District.

Temp. Workers :

Date of Joining

1. Vinayakumar, P. P.,
Jyothish Manthir,
Muzhappilangad P. O.,
Kannur-670 662 1-11-1994

12. Fazulu Rahiman, E. T., 30-11-1993
Korothipovil House,
Kannankara P.O.,
Chelamur (via),
Kozhikode-673 616.
13. Mridula, K., 21-7-1997
Kakkadan House,
Thottada P.O.,
Kannur.
14. Rajesh Babu, 1-6-1999
Saritha Nivas,
Anjarakandy P. O.,
Mailadi,
Kannur-670 612.
15. Renjith Kumar, M., 1-12-1997
Moorkoth House,
Onapparambu,
Chirakkal P. O.,
Kannur-670 011.
16. Dineshan, P. V., 18-3-1996
Puthan Vettil,
Iriveli P. O.,
Midavilode,
Kannur-670 614.
17. Prajith, C. N., 1-7-1997
Chirukandoth House,
S. N. Puram,
Ummenchira P. O.,
Thalassery-670 649.
18. Shaji George, V., 15-6-1997
Vadasseri House,
Kallurutti,
Thiruvambadi (via),
Kozhikode District.
19. Manojan, M. K., 21-6-1999
Malikandiyil House,
Dannikkottur,
Koduvally (via),
Kozhikode District.
20. Pramod Kumar, K.,
Kallat House,
P. O. Mamba Ekkal,
Kannur-670 611

(2)

G. O. (Rt.) No. 900/2007/LBR.

Thiruvananthapuram, 4th April 2007.

Whereas, the Government are of opinion that an industrial dispute exists between The Chief Executive, Keltron Resistors Ltd., Keltron Nagar, Kalyassery P. O., Kannur and the workman of the above referred establishment Sri V. S. Ajoy, Roseview, Near K. V. R. High School, Old Employment Office Road, Shornur-I, Palakkad in respect of matters mentioned in the annexure to this order ;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 10 (1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947), the Government hereby direct that the said Industrial dispute be referred for adjudication to the Labour Court, Kannur. The Labour Court will pass the award within a period of three months.

ANNEXURE

Whether the dismissal of Shri V. S. Ajoy, Highly Skilled Technician-I, by the Management of M/s. Keltron Resistors Limited, P. O. Kalyassery is justifiable? If not, what relief he is entitled to?

(3)

G. O. (Rt.) No. 901/2007/LBR.

Thiruvananthapuram, 4th April 2007.

Whereas, the Government are of opinion that an industrial dispute exists between the Manager, Feroke Tile Factory, Common Wealth Trust India Ltd., Feroke, Kozhikode and the workmen of the above referred establishment represented by (1) The Secretary, Industrial Labourers Organization, Kozhikode, Feroke P. O., Kozhikode, (2) General Secretary, The Merchantile Employees Association, Indira Gandhi Road, Kozhikode-1 (3) Secretary, Com Trust Staff Association, (CITU), Feroke, Kozhikode in respect of matters mentioned in the annexure to his order ;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 10 (1) (d) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947), the Government hereby direct that the said industrial dispute be referred for adjudication to the Industrial Tribunal Kozhikode. The Industrial Tribunal will pass the award within a period of three months.

ANNEXURE

Whether the employees in the staff category of Feroke Tile Factory, the Common Wealth Trust (India) Ltd., are eligible for salary and allowance on 11-9-2006 and 12-9-2006.

'4

G. O. (Rt.) No. 904/2007/LBR.

Thiruvananthapuram, 4th April 2007.

Whereas, the Government are of opinion that an industrial dispute exists between Sri K. P. Jayabalan Master, President, Jabees Charitable Society, Meenalayalam, Chirackal, Kannur and the workmen of the above referred establishment represented by the Secretary, Kannur District Shops and Establishment Commercial Workers Union, Super Bazar Kannur in respect of matters mentioned in the annexure to this order ;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 (1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Kannur. The Labour Court will pass the award within a period of three months.

ANNEXURE

Whether the denial of employment to Sri C. Kumaran, Superintendent, Jabees Arts & Science College, Kuttur, P. O., Mathamangalam, Kannur by the management is justifiable? If not, what relief he is entitled to?

(5)

G.O. (Rt.) No. 1103/2007/LBR.

Thiruvananthapuram, 24th April 2007.

Whereas, the Government are of opinion that an industrial dispute exists between the Manager, Rubilla International Ltd., Nida, Kanjikode P. O., Palakkad and workmen of the above referred establishment represented by (1) The Secretary, Palakkad District Engineering and Industries Mazdoor Sanghom (BMS), Harikkara Thervu, Palakkad-1 (2) The Secretary (GFTU), C/o, Rubilla, International Ltd., Nida, Kanjikode (3) The Secretary I.W. c/o, Rubilla, International, Ltd., Nida, Kanjikode P. O. (4) The Secretary (INTUC) c/o Rubilla International Ltd., Nida, Kanjikode P. O., in respect of matters mentioned in the annexure to this order;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 (1) (d) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Industrial Tribunal, Palakkad. The Industrial Tribunal will pass the award within a period of three months.

ANNEXURE

Whether the withholding of Annual increment to the workers of Rubilla International Ltd. Kanjikode, Palakkad is justifiable? If not, what relief they are entitled to get?

(6)

G. O. (Rt.) No. 1104/2007/LBR.

Thiruvananthapuram, 24th April 2007.

Whereas, the Government are of opinion that an industrial dispute exists between (1) Saithali, President, Peringode Service Co-operative Bank Ltd., Parassery P. O., (2) The Secretary, Peringode Service Co-operative Bank Ltd., Parassery P. O., Palakkad and workman of the above referred establishment represented by the President, Palakkad District General Workers Congress, INTUC, Paraly P. O., Palakkad in respect of matters mentioned in the annexure to this order;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 (1) (d) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Industrial Tribunal, Palakkad. The Industrial Tribunal will pass the award within a period of three months.

ANNEXURE

Whether the denial of employment to 'Sri K. Govindan' Watchman, Peringode Service Co-operative Bank Ltd., Parassery by the Management is justifiable? If not, what relief he is entitled to?

(7)

G. O. (Rt.) No. 1107/2007/LBR.

Thiruvananthapuram, 24th April 2007.

Whereas, the Government are of opinion that an industrial dispute exists between (1) Managing Director M/s. Jullundur Motor Agency (Delhi) Ltd., 458-1/16, Solna Road, Opposite New Court, Gurgaon, Haryana (2) Manager, M/s. Jullundur Motor Agency (Delhi) Ltd, Branch, 1/4609/A, Malabar Building, C.H. Cross Road, East Nadakavu, Calicut-673 011 and the workman of the above referred establishment represented by the Secretary, Commercial Employees Association, AITUC, Court Road, Kozhikode-673 001 in respect of matters mentioned in the annexure to this order;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 (1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Kozhikode. The Labour Court will pass the award within a period of three months.

ANNEXURE

Whether the action of Management of Jullundur Motor Agency (Delhi) Ltd., in transferring the employee Shri Sathyakrishnan from East Nadakavu, Kozhikode branch to Chennai is justifiable? If not what relief the employee is entitled to?

(8)

G. O. (Rt.) No. 1113/2007/LBR.

Thiruvananthapuram, 24th April 2007.

Whereas, the Government are of opinion that an industrial dispute exists between the Managing Director, Kerala State Co-operative Hospital Complex and Centre for Advanced Medical Services Ltd. No. 4386, Pariyaram, Kannur and workmen of the above referred establishment Shri M. V. Sunil,

Mundattu Valappil, Kadannappalli, Thumpodu, Pariyaram Medical College P. O., Kannur in respect of matters mentioned in the annexure to this order;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 (1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947), the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Kannur. The Labour Court will pass the award within a period of three months.

ANNEXURE

Whether the termination of Sri M. V. Sunil, Trolley Worker engaged on contract basis by the Management is justifiable? If not, what relief he is entitled to?

(9)

G.O. (Rt.) No. 1114/2007/LBR.

Thiruvananthapuram, 24th April 2007.

Whereas, the Government are of opinion that an industrial dispute exists the Manager, Ambily Talkies, Thalappu, Kannur and workmen of the above referred establishment represented by the Secretary, Shops and Establishment Workers Union (AITUC), Gopal Street, Kannur in respect of matters mentioned in the annexure to this order;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 (1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947), the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court Kannur. The Labour Court will pass the award within a period of three months.

ANNEXURE

Whether the denial of employment to Sri K. G. Sathikaran, Gate Keeper, Ambily Talkies, Kannur by the Management is justifiable? If not, what relief he is entitled to?

(10)

G.O. (Rt.) No. 1125/2007/LBR.

Thiruvananthapuram, 25th April 2007.

Whereas, the Government are of opinion that an industrial dispute exists between the Manager Harrison's Malayalam Ltd., Achoor Estate Factory, Achoor P. O., Wayanad and the workmen of the above referred establishment Sri T. K. Sathikkali, P. F No, 5750, s/o Aboobacker Ravuthar, Thokken Vedu, Mutharikundu, Pozhuthana P. O. in respect of matters mentioned in the annexure to this order;

And whereas, in the opinion of Government it is necessary to refer the said industrial dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 10 (1) (c) of the Industrial Disputes Act of 1947 (Central Act XIV of 1947) the Government hereby direct that the said industrial dispute be referred for adjudication to the Labour Court, Kannur. The Labour Court will pass the award within a period of three months.

ANNEXURE

Whether the denial of employment to Sri T. K. Sathikkali, Factory Worker of Achoor Estate by the Management of Harrison's Malayalam Ltd. is justifiable? If not what relief the worker is entitled to?

By order of the Governor,
SUSY RAPIN,
Under Secretary to Government.